

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

FEDERAL TRADE COMMISSION,  
STATE OF CALIFORNIA, STATE OF  
COLORADO, STATE OF ILLINOIS,  
STATE OF INDIANA, STATE OF  
IOWA, STATE OF MINNESOTA,  
STATE OF NEBRASKA, STATE OF  
OREGON, STATE OF TEXAS, and  
STATE OF WISCONSIN,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,  
SYNGENTA CORPORATION,  
SYNGENTA CROP PROTECTION,  
LLC, and CORTEVA, INC.,

Defendants.

Case No. 22-cv-828

**PLAINTIFF FEDERAL TRADE  
COMMISSION'S MOTION TO FILE  
PORTIONS OF THE COMPLAINT  
TEMPORARILY UNDER SEAL**

Plaintiff Federal Trade Commission (“FTC”) respectfully moves pursuant to LR 5.4(c)(1)(a) and LR 5.4(c)(4)(b) to file portions of the Complaint in this action temporarily under seal for fourteen days.

The FTC files this motion to comply with its regulations governing the treatment of confidential information submitted to the FTC in pre-complaint investigations and to give affected parties the opportunity to consider whether to ask the Court to seal portions of the Complaint on a permanent basis. The FTC is not the party claiming confidentiality with respect to information that is the subject of this Motion. The FTC conducted a pre-Complaint investigation during which it received information from Defendants and third parties that the producing persons designated as confidential pursuant to federal statute

and FTC rules. *See* 15 U.S.C. § 57b-2; 16 C.F.R. § 4.10. Certain information that Defendants and third parties designated as confidential during the FTC’s investigation may be disclosed in the Complaint that Plaintiffs filed in this action. FTC regulations require the FTC to afford persons who submit confidential information “an opportunity to seek an appropriate protective order” prior to disclosing such information. 16 C.F.R. § 4.10(g). The FTC has, accordingly, filed a redacted version of the Complaint on the public docket, filed a sealed version of Complaint with the redacted information highlighted, and filed this Motion to provide an opportunity for Defendants and third parties whose information is at issue to seek appropriate relief from the Court.

The information in the Complaint that the FTC requests be temporarily sealed may disclose the following non-public information as to which Defendants and/or third parties requested confidential treatment during the FTC’s investigation:

- details about the terms of and strategy underlying the Defendants’ “loyalty” programs at issue in this case;
- information derived from Defendants’ and third parties’ revenue, sales, and pricing data;
- information about Defendants’ business decisions, strategies, and plans;
- information about third parties’ (including Defendants’ customers and competitors) finances and business decisions, strategies, and plans;
- quotations from Defendants’ internal documents about these subjects.

The FTC will provide Defendants and third parties whose information is at issue with notice of their respective information being filed under seal and a copy of any order the Court enters with respect to this Motion.

The FTC also intends to schedule a meet and confer among the parties and third parties whose confidential information is at issue so that a LR 5.5 Report may be filed within ten days of the date of filing this Motion. *See* LR 5.4(b)(1)(b).

Dated: September 29, 2022

Respectfully submitted,

/s/ James H. Weingarten

James H. Weingarten (DC Bar No. 985070)  
Geoffrey M. Green  
Mark J. Woodward  
Michael J. Turner  
Joseph R. Baker  
Wesley G. Carson  
Rachel S. Frank  
Elizabeth A. Gillen  
Philip J. Kehl  
Lauren B. Patterson  
Edward H. Takashima  
FEDERAL TRADE COMMISSION  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
Telephone: (202) 326-3570  
Email: [jweingarten@ftc.gov](mailto:jweingarten@ftc.gov)

*Attorneys for Plaintiff Federal Trade Commission*

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 29, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and have verified that such filing was sent electronically using the CM/ECF system, and I hereby certify that the document will be sent to the following non-CM/ECF participants as indicated:

Ronan P. Harty (via Federal Express and email)  
Paul Mishkin (via email)  
Jesse Solomon (via email)  
DAVIS POLK & WARDWELL LLP  
450 Lexington Avenue  
New York, NY 10017  
[ronan.harty@davispolk.com](mailto:ronan.harty@davispolk.com)  
[paul.mishkin@davispolk.com](mailto:paul.mishkin@davispolk.com)  
[jesse.solomon@davispolk.com](mailto:jesse.solomon@davispolk.com)

*Attorneys for Defendants Syngenta Crop Protection AG; Syngenta Corporation; and Syngenta Crop Protection, LLC in the FTC's pre-Complaint investigation*

David R. Marriott (via Federal Express and email)

Christine A. Varney (via email)

Margaret T. Segall (via email)

Jesse M. Weiss (via email)

CRAVATH, SWAINE & MOORE LLP

825 Eighth Avenue

New York, NY 10019

[dmariott@cravath.com](mailto:dmariott@cravath.com)

[cvarney@cravath.com](mailto:cvarney@cravath.com)

[msegall@cravath.com](mailto:msegall@cravath.com)

[jweiss@cravath.com](mailto:jweiss@cravath.com)

*Attorneys for Defendant Corteva, Inc. in the FTC's pre-Complaint investigation*

Syngenta Crop Protection AG (via Federal Express)

Rosentalstrasse 67 Basel

BASEL-STADT

4058 Switzerland

Syngenta Corp. (via Federal Express)

c/o CT Corporation System

160 Mine Lake Ct, Ste 200

Raleigh, NC 27615

Syngenta Crop Protection, LLC (via Federal Express)

c/o CT Corporation System

160 Mine Lake Ct, Ste 200

Raleigh, NC 27615

Corteva, Inc. (via Federal Express)

c/o CT Corporation System

160 Mine Lake Ct, Ste 200

Raleigh, NC 27615

/s/ James H. Weingarten  
James H. Weingarten  
FEDERAL TRADE COMMISSION  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
Phone: (202) 326-3570  
jweingarten@ftc.gov

*Attorney for Plaintiff Federal Trade  
Commission*